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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,436	07/31/2003	Sambit Kumar Dash	07844-601001	4545
21876 7590 12/20/2007 FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER HARRISON, CHANTE E	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 12/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,436

Applicant(s)

DASH, SAMBIT KUMAR

Examiner

Chante Harrison

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 19 recite "a software product tangibly embodied in a machine readable medium..." The claim recitation does not permit the program functionality to be realized by claiming for example, "computer-readable medium encoded with computer executable instructions ...", as a computer element, which defines structural and functional interrelationships between the computer program and the rest of the computer or a set of instructions capable of being executed by a computer.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryozyo Yanagisawa et al., US 6,239,792, 2001.

Regarding claim 1, Yanagisawa discloses receiving input specifying a path including a plurality of locations ordered along the path (col. 1, ll. 5-10, 33-36); for each location in the plurality of locations, specifying a tracking zone based on the location and a previous location preceding the location along the path, the tracking zone indicating a direction of the path at the location (i.e. indicate erasure along the trace) (col. 4, ll. 18-32); and detecting a backward motion between a first and a second location in the path if the first location's tracking zone overlaps with the second location's tracking zone (i.e. the coupling of erasure area indicates erasure along a trace of input points, where erasure indicates backward motion along the trace) (col. 4, ll. 18-32; col. 6, ll. 57-62).

Regarding claim 2, Yanagisawa discloses wherein the path further includes a starting location, the method further comprising: specifying a tracking zone for the starting location (col. 4, ll. 18-32).

Regarding claim 3, Yanagisawa discloses evaluating the first location's tracking zone and the second location's tracking zone to verify whether the first tracking zone overlaps with the second tracking zone (col. 4, ll. 27-32).

Regarding claim 4, Yanagisawa discloses for each location in the plurality of locations, associating the location with a corresponding influence region having a predefined

shape (i.e. an input point location has associated drawing image information having a shape, e.g. circle, square) (col. 6, ll. 5-25).

Regarding claim 5, Yanagisawa discloses wherein the influence region represents a paintbrush (col. 6, ll. 8-20).

Regarding claim 6, Yanagisawa discloses specifying a tracking zone for a location in the plurality of locations based on the location and a previous location in the path comprises specifying a tracking zone that is inside the influence region of the location and outside the influence region of the previous location (i.e. specifying an erasure area for one input point, where each input point has associated drawing image information having a shape, e.g. circle, square) (col. 4, ll. 20-26; col. 6, ll. 5-25).

Regarding claim 7, Yanagisawa discloses deleting a portion of the path if a backward motion is detected between the first and second locations (col. 2, ll. 38-40), the deleted portion of the path connecting the first location to the second location and including one or more locations in the plurality of locations in the path (col. 4, ll. 27-32).

Regarding claim 8, Yanagisawa discloses wherein receiving input specifying a path includes: receiving two or more input points (col. 1, ll. 5-10); and specifying the plurality of locations in the path based on the two or more input points (col. 1, ll. 5-10; col. 3, ll. 60-62).

Regarding claim 9, Yanagisawa discloses specifying the plurality of locations in the path comprises interpolating between two input points (i.e. processing drawing image information between erasure of consecutive points) (col. 6, ll. 5-20, 57-60).

Regarding claim 10, Yanagisawa discloses receiving two or more input points comprises receiving two or more input points in a two dimensional space (Fig. 1).

Regarding claim 12, Yanagisawa discloses presenting the path on a surface (Fig. 1; col. 1, ll. 5-10).

Regarding claim 13, Yanagisawa discloses the plurality of locations in the path comprises contiguous raster points (col. 4, ll. 3-10).

Regarding claim 14, Yanagisawa discloses the first location precedes the second location along the path (i.e. consecutive input points) (col. 1, ll. 5-10); and deleting a portion of the path includes deleting the first location from the path (col. 2, ll. 38-40).

Regarding claim 15, Yanagisawa discloses defining a new portion of the path, the new portion replacing the deleted portion (col. 6, ll. 5-20).

Regarding claim 16, Yanagisawa discloses specifying a tracking zone for each of the one or more new locations (i.e. a reiterative process updates the erasure area for the input points) (Fig. 5; col. 6, ll. 24-30).

Regarding claim 17, Yanagisawa discloses specifying a new tracking zone for the second location (i.e. a reiterative process updates the erasure area for the input points) (Fig. 5; col. 6, ll. 24-30).

Regarding claim 18, Yanagisawa discloses receiving input includes receiving user input from a pointing device (col. 2, ll. 45-47; col. 3, ll. 60-61; Fig. 1).

Regarding independent claim 19, Yanagisawa discloses an interface (Fig. 1; col. 3, ll. 62-65) and a backward motion detector (i.e. CPU "5") (col. 3, ll. 62-67). Yanagisawa discloses a system for implementing a method as claimed in claim 1. Therefore, the rationale as applied in the rejection of claim 1 applies herein.

Regarding claim 20, Yanagisawa discloses the interface comprises a pointing device (Fig. 1 "1b") to generate the input specifying the path (col. 1, ll. 5-10; col. 3, ll. 60-61).

Regarding claim 21, Yanagisawa discloses a drawing component that corrects the path if a backward motion is detected (col. 6, ll. 5-20).

Regarding claim 22, Yanagisawa discloses a non-drawing component (i.e. erasure mode) receiving a notification from the backward motion detector (i.e. CPU "5") if a backward motion is detected (col. 4, ll. 15-20; col. 4-5, ll. 67-5).

Regarding claim 23, Yanagisawa discloses means (col. 3, ll. 15-50; Fig. 3) for implementing a method as similarly claimed in claim 1. Therefore, the rationale as applied in the rejection of claim 1 applies herein.

Regarding claim 24, the rationale as applied in the rejection of claim 7 applies herein.

Regarding claim 25, the rationale as applied in the rejection of claim 20 applies herein.

Regarding claim 26, Yanagisawa discloses a software product (col. 3, ll. 53-56) for implementing a method as similarly claimed in claim 1. Therefore, the rationale as applied in the rejection of claim 1 applies herein.

Regarding claims 27-35 and 37-42, the rationale as applied in the corresponding rejection of claims 2-10 and 12-17 apply respectively herein.

Regarding claim 43, Yanagisawa discloses receiving input includes receiving user input from a pointing device (Fig. 1 "1b").

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagisawa as applied to claim 1 above, and further in view of Bodin Dresevic et al., US 7006711, 2006.

Regarding claims 11 and 36, Yanagisawa discloses receiving two or more input points comprises receiving two or more input points in a dimensional space (col. 1, ll. 5-10; Fig. 1).

Yanagisawa fails to disclose receiving input points in a three dimensional space, which Dresevic discloses (col. 6, ll. 61-67; col. 7, ll. 25-35).

It would have been obvious to one of ordinary skill in the art at the time of invention to include Dresevic's receiving input points in a three dimensional space with the method of Yanagisawa because Dresevic teaches all ink/strokes relate to a framework that includes two and three dimensional space.

One of ordinary skill in the art would have been motivated to include Dresevic's receiving input points in a three dimensional space with the method of Yanagisawa for the benefit of processing any strokes of a trace that are defined spatially.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chante Harrison
Examiner
Art Unit 2628

Ch
December 14, 2007

